

Iowa Code and Court Rules on Reporting/Recording Requirements for Court Proceedings (March 2009)

Civil Cases

| Code sections / Ct Rules | Provisions |
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| Iowa Code § 624.9 Iowa Rule Civ. P. 1.903(2) | Generally, “all trial proceedings shall be reported.” Specifically, including: <i>a.</i> All oral comments or statements of the court during the progress of the trial, any objections, and the court’s rulings. <i>b.</i> The proceedings impaneling the jury, any objections, and the court’s rulings. <i>c.</i> Opening statements, any objections, and the court’s rulings. <i>d.</i> The oral testimony, offers of proof, any objections, and the court’s rulings. <i>e.</i> The fact that the testimony was closed to the public. <i>f.</i> The identification of exhibits, by letter or number or other appropriate mark, all written or other evidence offered, any objections, and the court’s rulings. <i>g.</i> All motions or other pleas made during the trial, any objections, and the court’s rulings. <i>h.</i> Closing arguments, any objections, and the court’s rulings. <i>i.</i> The return of the verdict. <i>j.</i> Any other proceedings before the court or jury which might be preserved and made of record by a bill of exceptions. |
| Iowa Code § 631.11(4) | Small claims proceedings shall not be reported “unless the party provides the reporter at such expense.” “The magistrate, in the magistrate’s discretion, may cause the proceedings upon trial to be reported electronically.” |
| Iowa R. Civ. P. 1.603 | On request of counsel or the court, the reporter must record the entire pretrial conference or any designated part thereof. |
| Iowa Code § 6B.50 | A court of condemnation “may appoint a shorthand reporter.” |
| Iowa R. Civ. P. 1.937 | In proceedings involving a court-appointed master, the master “shall on request, make a record of evidence offered and excluded. The master may appoint a shorthand reporter whose fees shall be advanced by the requesting party.” |
| Iowa Code §§ 232.41, 232.94, 232.115 | Stenographic notes or mechanical or electronic recordings must be taken of all court hearings pursuant to juvenile delinquency, child-in-need-of-assistance, and termination proceedings. |
| Iowa Ct. R. 8.30 | Stenographic notes or electronic recordings shall be taken of all hearings for a judicial waiver of parental notification for an abortion and said record shall not be waived. |
| Iowa Ct. R. 12.20 | An electronic recording or other verbatim record shall be made of hearings for the involuntary hospitalization of the mentally ill. |
| Iowa Ct. R. 13.20 | An electronic recording or other verbatim record shall be made of hearings for the involuntary commitment or treatment of the mentally ill. |

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Criminal Cases

| Code sections / Ct Rules | Provisions |
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| Iowa R. Crim. P. 2.2(4)(a) | Waiver of preliminary hearing to be in writing or on the record. |
| Iowa R. Crim. P. 2.2(4)(g) | Proceedings at preliminary hearing shall be taken down by a court reporter or recording equipment. |
| Iowa R. Crim. P. 2.8(3) | A verbatim record of the proceedings at which the defendant enters a plea shall be made. |
| Iowa R. Crim. P. 2.17(1) | Waiver of jury trial shall be in writing and on the record. <i>State v. Liddell</i> , 672 N.W.2d 805 (Iowa 2003). |
| Iowa R. Crim. P. 2.19(4) | Reporting of trial. All the provisions relating to mode and manner of the trial of civil actions [see Iowa R. Civ. P. 1.903(2)], report thereof, translation of the shorthand reporter's notes, the making of such reports and translation of the record, and in all other respects, apply to the trial of criminal actions. Upon request of any party, final arguments shall be reported. |
| Iowa R. Crim. P. 2.19(5)(g) | When the court gives additional jury instructions it shall appear of record. |
| Iowa R. Crim. P. 2.23(3)(d) | The court shall state on the record its reason for selecting the particular sentence. <i>State v. Hess</i> , 533 N.W.2d 525 (Iowa 1995). |
| Iowa R. Crim. P. 2.23(3)(e) | Court is required to advise defendant of various things related to the right of appeal and the court is required to make compliance with this rule a matter of record. |
| Iowa R. Crim. P. 2.29(4) | If the trial court finds a defendant is ineligible for appointment of appellate counsel, it shall include "in the record" a statement of the reasons why counsel was not appointed. |
| Iowa R. Crim. P. 2.30 | An indigent defendant may waive the defendant's right to have appellate counsel appointed if defendant does so in writing and the trial court finds of record that defendant has acted with full awareness of the defendant's rights and of the consequences of a waiver and if the waiver is otherwise made according to law. |
| Iowa R. Crim. P. 2.67(9) | Simple misdemeanor proceedings shall not be reported unless a party requests a reporter at such party's expense. If the defendant is indigent and requests that the proceedings upon trial be reported, the judicial magistrate shall cause them to be reported by a reporter, or electronically, at public expense. |
| Iowa Code § 908.2 | "A person for whom bail is set may make application for amendment of bail to a district judge or district associate judge having jurisdiction to amend the order. The motion shall be promptly set for hearing and shall be made part of the record." |
| Iowa Code § 908.4 | Requires the administrative parole judge to have a verbatim record made of the parole revocation hearing, suggesting that a reporter must be involved (it is unclear whether an electronic recording would suffice). |

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| Iowa Code § 915.42 | Provides that a hearing concerning the HIV-testing of a convicted or alleged assailant shall be recorded either with stenographic notes or electronic or mechanical means, unless waived by the parties. |
| Iowa R. Crim. P. 2.20(3)(a)(2) | Any testimony (in any judicial proceeding) given in support of an application for immunity from prosecution “shall be reported and a transcript of the testimony shall be filed with the application.” |
| Iowa R. Crim. P. 2.23(3)(d) | “A complete verbatim transcript of testimony given pursuant to an order of immunity shall be made and filed with the application and the order of court.” |

Summary: Civil Cases

MUST be reported:

- “Appealable actions”** (Iowa Code §624.9, Iowa R. Civ. P. 1.903(2))—appealable actions involve an interest in real estate, or where amount in controversy exceeds the small claims jurisdictional limit (Iowa R. App. P. 6.105); does NOT include simple misdemeanors (see sheet on criminal cases). Appealable actions include:
- a. all oral comments or statements of the court during the progress of the trial, any objections, and the court’s rulings
 - b. proceedings impaneling the jury, any objections, and the court’s rulings
 - c. oral testimony, offers of proof, any objections, and the court’s rulings
 - d. the fact that testimony was closed to the public
 - e. identification of exhibits, by letter or number or other appropriate mark, all written or other evidence offered, any objections, and the court’s rulings
 - f. all motions or other pleas made during the trial, any objections, and the court’s rulings
 - g. closing arguments, any objections, and the court’s rulings
 - h. return of the verdict
 - i. any other proceedings before the court or jury which might be preserved and made of record be a bill of exceptions

MUST have stenographic notes – OR – mechanical/electronic recording – OR – verbatim record:

1. Juvenile delinquency—“all court hearings” (Iowa Code §232.41)
2. CINA—“all court hearings” (Iowa Code §232.94)
3. TPR—“all court hearings” (Iowa Code §232.115)
4. Judicial waiver of parental notification for an abortion—“all hearings...said record shall not be waived” (Iowa Ct. R. 8.30)
5. Involuntary hospitalization of the mentally ill—Iowa Code §229.12 hospitalization hearing (Iowa Ct. R. 12.20)
6. Involuntary commitment or treatment of the mentally ill—Iowa Code §125.82 commitment hearing (Iowa Ct. R. 13.20)

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MAY be reported:

1. Court of condemnation—"may appoint a shorthand reporter" (Iowa Code §6B.50)
2. Proceeding involving a court appointment master—"master may appoint a shorthand reporter whose fees shall be advanced" by the party requesting a "record of evidence offered and excluded." Master must make "record of evidence offered and excluded" upon request. (Iowa R. Civ. P. 1.937)

NOT reported unless requested by a party or court:

1. Small claims proceedings—unless a party provides a reporter at party's own expense; magistrate may use discretion to have trial electronically reported (Iowa Code §631.11(4))
2. Pretrial conference—must be reported upon request of counsel or the court (Iowa R. Civ. P. 1.603)

Summary: Criminal Cases

MUST be reported:

1. Waiver of preliminary hearing—recorded in writing -or- on the record (Iowa R. Crim. P. 2.2(4)(a))
2. Preliminary hearing—recorded via court reporter or electronically (Iowa R. Crim. P. 2.2(4)(g))
3. Plea entry—there must be a verbatim record of proceedings at which a defendant enters a plea (Iowa R. Crim. P. 2.8(3))
4. Waiver of jury trial—in writing -and- on the record (Iowa R. Crim. P. 2.17(1))
5. Additional jury instructions given to the jury must be on the record (Iowa R. Civ. P. 2.19(5)(g))
6. Sentencing—court must state on the record reason for selecting the particular sentence (Iowa R. Crim. P. 2.23(3)(d))

NOT reported unless requested by a party or court:

Simple misdemeanor proceedings—unless a party requests a reporter at that party's expense; magistrate must have trial reported via reporter or electronically at state expense where an indigent defendant requests it (Iowa R. Crim. P. 2.67(9))